IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1371 OF 2001

IN

SUIT NO. 109 OF 1998

IN

PETITION NO. 636 OF 1998

Mrs.Avrita Kaur J. Gauri .. Petitioner.

vs.

Cluney G. Sethi

& Ors. .. Defendants.

Mrs. S.P. Trivedi i/by M/s. A. Bharat & Co.

for petitioner.

None for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 15TH JULY, 2005.

P.C.

. By the present notice of motion the petitioner is seeking an injunction restraining the heir of the deceased from in any manner surrendering, transferring, selling, assigning, dealing with or creating any third party interest in respect of the properties being property known as Naval Lodge, bearing C.T.S. No. 1367, Survey No.

85, Village Versova, Taluka : Andheri and bearing Plot Nos. 17-A and 17-B and bearing Municipal "K" Ward No. 7190, Street No. 4, Four Bungalows, Andheri (West), Mumbai 400 058 and she should be permitted to use, occupy and enjoy the same. The motion has been taken out by the petitioner during the pendency of the petition.

2. None appears for the defendant. The Advocate Mr. R.S. Mishra was served. However, he says that he is no more representing the defendant. Accordingly, the petitioner was directed to serve the defendant. The petitioner has filed an affidavit of service dated 13.7.2005 stating that attempt was made to serve the defendant at the given address however the defendant was found at the said premises.

3. In the circumstances aforesaid, the notice of motion is made absolute in terms of prayer clauses (b) and (c). No order as to costs.